

**Remarks/Arguments**

Claims 1, 3-5, 9 and 11-12 are pending.

**Rejection of claims 6-8 under 35 USC 102(b) as being anticipated by Cragun (US Pat. No. 5,973,683)**

Claims 6-8 have been cancelled.

**Rejection of claims 1-5 and 9-13 under 35 USC 103(a) as being unpatentable over Graves (US Pat. No. 5,410,344)**

Applicants submit that for the reasons discussed below present amended claims 1 and 9, and the claims that depend therefrom, are patentably distinguishable over the teachings of Graves.

The present invention discloses a method, as seen in FIG. 3, and apparatus, as seen in FIGS. 1 and 4, for controlling a signal processing system and suggesting a program for viewing. Applicants' invention receives a plurality of programs and associated characteristic information from a remote source and in response to a user input selects programs from the plurality of programs. Rating information for the selected programs (FIGS. 2A and 2B) as well as a suggestion signal (selection of the icon SUGGEST 106) is received from a user (page 6 of the specification). The received rating information of a highest rated program is then directly compared with characteristic information for each of the plurality of programs in response to the selection signal.

Based upon this comparison, the present invention suggests all programs from the plurality of programs of a list of programs having the same characteristic information as the highest rated program (page 7 of the specification). More specifically, the present invention can concentrate on one particular aspect of programming information such as THEME. The system can also suggest to the viewer all the programs that may have the same actor, producer, and/or theme (page 7 of the specification).

In that regard, amended claim 1 recites:

*... receiving a suggestion signal from a user; and  
directly comparing a particular characteristic of the program information of a highest rated one of the numerous programs for which rating information is received with a corresponding characteristic of the program information for a plurality of programs from a listing of programs in response to the suggestion signal, and suggesting all programs from the plurality of programs in which the characteristic of the program information substantially matches the particular characteristic of the program information of the highest rated one of the numerous programs (emphasis added).*

Claim 9 similarly recites these features in method form.

The foregoing features distinguish the present invention from the teachings of Graves because Graves fails to teach the comparing claimed above.

Graves discloses a method for selecting audiovisual programs for presentation to a viewer in which a viewer preference file is stored in the apparatus and the content of this file is compared with the broadcast codes (see the abstract). To introduce their preference in the file via a first viewer input mode, "a series of questions are presented to the viewer on the television 22a. The viewer answers the questions..." (see column 6, lines 60-64). A second viewer input mode introduces the viewer's preferences "when the viewer tunes to a preview channel to view the program listing of preferred viewing file 30a... the viewer ranks the displayed programs on a preference scale which ranges from one to the number of programs in the file 30a" (column 7, lines 5-14). In a third viewer input mode, the viewer's preference data is gathered "when the viewer participated in a trivia game show... the game show solicits viewers to rate program attributes such as movies, actors, directors, etc." (column 7, lines 21-26).

Graves allows the viewer to rank a direct comparison of the characteristics and/or rate the files in the preferred viewing file 30a. However, Graves does not teach "suggesting all programs from the plurality of programs in which the characteristic of the program information substantially matches the particular characteristic of the program information of the highest rated one of the numerous programs." Unlike the present invention, Graves creates a preferred viewing file

30a which consists of ten programs receiving the highest grade from screening processor 24a (column 6, lines 15-16) which the viewer can subsequently rate.

Furthermore, Graves discloses in column 6, lines 5-16 that

[o]nce personal preference file 32a is established, screening processor 24a evaluates programs (more particular, the program content headers) in view of the viewer preferences established in file 32a. Particularly, screening processor 24a compares a program content header to personal preference file 32a and **generates a grade for each analyzed program using a hierarchical analytic decision-making process**... Programs receiving a favorable grade are stored in preferred viewing file 30a. In the preferred embodiment, file 30a consists of ten programs receiving the highest grade from screening processor 24a. (emphasis added)

Thus, Graves teaches comparing the grade of the programs and selecting at least one of the plurality of audiovisual programs, which comparison and selection are automatically made. The grading of the programs may be performed using adaptive or neural networks (col. 7, lines 60-67).

By contrast, the present invention performs the "comparing" step in response to the suggestion signal, wherein the characteristics are directly compared, rather than comparing a factor that is derived from the characteristics. Nowhere does Graves teach or suggest the direct comparison recited in the amended claims 1 and 9.

Such different comparisons may in different results being provided to the user. For example, whereas the method according to the present invention provides a suggestion to the user based on a specific producer or theme, the apparatus according to Graves does not provide suggestions on such basis, but rather on a combined grade. Therefore, a program that includes a specific producer or theme of particular interest to the user may or may not be presented as a suggestion because the overall program grade is not high enough, whereas

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such a program will be suggested on the basis of a direct comparison of the producer or theme.

In view of the above, applicants submit that claims 1 and 9, and the claims that depend therefrom, are patentably distinguishable over Graves.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,  
MARK SHERIDAN WESTLAKE ET AL.

By: \_\_\_\_\_

Paul P. Kiel  
Attorney for Applicants  
Registration No. 40,677  
(609) 734-6815

Patent Operations  
Thomson Licensing Inc.  
P.O. Box 5312  
Princeton, NJ 08543-5312

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CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, Alexandria, Virginia 22313-1450 on:

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Date

Patricia M. Fedorowycz  
Patricia M. Fedorowycz